

**REMARKS**

This Amendment is filed in response to the Office Action dated December 10, 2004. For the following reasons this application should be allowed and the case passed to issue. No new matter is introduced by this amendment. The amendment to claim 12 is supported by originally filed claim 14. Claim 13 is amended to correct an informality. Claims 15, 16 and 17 are amended to maintain consistency with claim 12.

Claims 12, 13, 15-18, and 21 are pending in this application. Claims 1-11, 19, and 20 were previously canceled. Claim 14 is canceled in this response. Claims 12-18 and 21 have been rejected. Claims 14-17 are objected to.

***Notice of References Cited***

Initially, it is noted that the Examiner cites to Dryer et al., U.S. Patent No. 6,244,280 in a rejection under 35 U.S.C. § 102, but the Notice of References Cited (PTO-892) does not list the Dryer et al. reference. The PTO-892 lists Buckley et al., U.S. Patent No. 6,224,280, as a reference. The Buckley et al. patent does not appear to be relevant. It appears that the Examiner inadvertently listed 6,224,280 rather than 6,244,280 on the PTO-892. Applicants respectfully requests that the Examiner cite Dryer et al., U.S. Patent No. 6,244,280 on a PTO-892 in the next Official Action.

***Rejections Under 35 U.S.C. § 112***

Claims 13-17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner averred that reflective means in claim 13 and movable partition means in claim 14 are improper means plus functions claims as no function is specified by the means. This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

**Application No.: 10/661,512**

Applicants submit that claims 13 and 14, as originally filed, would have been definite to one of ordinary skill in this art. However, in order to advance prosecution in this application, the claims have been amended to address the asserted informalities noted by the Examiner.

Claim 13 has been amended to recite “means for reflecting ultrasonic energy.” As correctly noted by the Examiner, “movable partition means” should be construed as a “movable partition.” Because the limitations of canceled claim 14 have been added to claim 12, “movable partition” is recited in amended claim 12.

***Allowable Subject Matter***

Claims 14-17 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. Applicants gratefully acknowledge the indication of allowable subject matter. In accordance with the Examiner’s recommendation, the limitations of claim 14 have been added to independent claim 12.

***Rejections Under 35 U.S.C. § 102***

Claims 12, 13, 18, and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ohmori et al. (U.S. Patent No. 5,379,785).

Claims 12, 13, 18, and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Skrovan et al. (U.S. Patent No. 5,849,091).

Claims 12, 13, 18, and 21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Brown et al. (U.S. Patent No. 6,220,259) as evidenced by either Dryer et al. (U.S. Patent No. 6,244,280) or Applicants Admitted Prior Art.

These rejections are traversed, and reconsideration and withdrawal thereof respectfully requested.

The limitations of claim 14 have been added to independent claim 12, and the alleged informalities under 35 U.S.C. § 112 have been corrected. Claim 14 has not been rejected with prior art and the Examiner indicated that claim 14 would be allowable if placed in independent form. Therefore, Applicants submit that independent claim 12 and the claims depending therefrom, claims 13, 15-18, and 21, are allowable.

***Comments On Statement Of Reasons For Indicating Allowable Subject Matter***

Applicants respectfully traverse the Examiner's statement on reasons for the indication of allowable subject matter. Entry of that statement into the record should not be construed as any agreement with or acquiescence by Applicants in the stated reasoning.

The statement sets forth a single rationale for patentability with respect to all of the allowed claims, however, the wording in the statement does not precisely correspond to the language of any one of the allowed claims. Applicants' positions on patentability are separately presented herein. It is submitted that each claim is separately patentable in its own right, not just for one general reason as suggested by the statement.

It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure, and Applicants' prosecution of the claims, without reference to the statement of reasons for indicating allowable subject matter.

In light of the above Amendments and Remarks, this application should be allowed and the case passed to issue. If there are any questions regarding these remarks or the application in

**Application No.: 10/661,512**

general, a telephone call to the undersigned would be appreciated to expedite prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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